

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

SUPERNUS PHARMACEUTICALS, INC.

Plaintiff,

v.

PAR PHARMACEUTICAL COMPANIES,  
INC. and PAR PHARMACEUTICAL, INC.

Defendants.

C.A. No. 2:15-00326-SDW-LDW

**JUDGMENT AND ORDER OF PERMANENT INJUNCTION**

This action for patent infringement having been brought by Plaintiff Supernus Pharmaceuticals, Inc. (“Supernus”) against Defendants Par Pharmaceutical Companies, Inc., and Par Pharmaceutical, Inc. (collectively, “Par”) for infringement of United States Patent Nos. 8,298,576, 8,298,580, 8,663,683, 8,877,248, 8,889,191, and 8,992,989 (collectively, the “Litigated Patents”);

Par and Supernus have agreed to settle this matter, and have agreed to the entry of the within Judgment and Order of Permanent Injunction on the following terms:

Par acknowledges that selling, offering for sale, using or importing into the United States an extended release topiramate oral capsule product under Abbreviated New Drug Application No. 205976 (the “Par Product”), which ANDA references NDA 201635, the marketing approval for Supernus’ Trokendi XR® product, would infringe each of the Litigated Patents in the absence of a license; and

Par acknowledges, as stated and limited herein, that the Litigated Patents, and all the claims contained therein, are valid and enforceable.

Supernus and Par now consent to this Judgment and Order.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. This Court has jurisdiction over the parties and subject matter of this action.
2. Par would infringe each of the Litigated Patents by using, making, selling, offering to sell, or importing the Par Product in the United States.
3. The Litigated Patents, and all the claims contained therein, are valid and enforceable.
4. All affirmative defenses, claims and counterclaims which have been or could have been raised by Par in this action with respect to the Litigated Patents are dismissed with prejudice.
5. Except as authorized or licensed by Supernus, Par , its officers, agents, servants, employees, affiliates, successors and all persons in active concert or participation with Par, are permanently enjoined from using, offering for sale, making, selling, or manufacturing in the United States, or importing into the United States, the Par Product or inducing or assisting others to use, offer for sale, make, sell, or manufacture in the United States, or import into the United States, the Par Product.
6. In any other or future cause of action or litigation in the United States the subject matter of which is a product marketing approval application referencing NDA 201635, Par shall not dispute that the Litigated Patents are each infringed by using, making, selling, offering to sell, or importing the Par Product.

7. In any other or future cause of action or litigation the subject matter of which is a product marketing approval application referencing NDA 201635, Par shall not dispute that all the claims of the Litigated Patents are valid and enforceable in all respects.

8. The foregoing injunctions against Par shall take effect immediately upon entry of this Judgment and Order by the Court, and shall continue until the expiration of the Litigated Patents.

9. This Judgment and Order is binding upon and constitutes claim preclusion and issue preclusion with respect to validity and enforceability of the Litigated Patents as asserted in view of the Par Product, and infringement by the Par Product of the Litigated Patents between the Parties in this action or in any action between the Parties.

10. Par hereby agrees not to aid, abet, assist, enable or participate with any third party in a challenge to the validity or enforceability of the Litigated Patents in any action the subject matter of which is a generic marketing approval referencing NDA 201635, or challenge the infringement by the Par Product.

11. Nothing herein prohibits or is intended to prohibit Par from making or maintaining a "Paragraph IV Certification" pursuant to 21 U.S.C. § 355(j)(2)(A)(vii)(IV) (including as amended or replaced) or pursuant to 21 C.F.R. § 314.94(a)(12) (including as amended or replaced) with respect to Par's Abbreviated New Drug Application No. 205976.

12. The parties waive all right to appeal from this Judgment and Order.

13. Each party is to bear its own costs and attorneys fees.

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*Attorneys for Defendants Par Pharmaceutical  
Companies, Inc. and Par Pharmaceutical, Inc.*

SO ORDERED

Dated: Oct. 16, 2015

  
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THE HON. SUSAN D. WIGENTON  
UNITED STATES DISTRICT JUDGE